

REMARKS

Claims 1-4 16-18, and 22-26 are pending in the application. Claims 1-4 16-18, and 22-26 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 5,672,952 to Szepesi (hereinafter "Szepesi").

For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Claims 1, 16, and 22 are amended with a limitation of claim 23 to more particularly point out and distinctly claim the subject matter of the claimed invention. In addition, claim 16 is further amended with the limitations of claim 17. The amendments are fully supported by the specification and introduce no new material to the claims. Claim 17 is canceled. Claim 18 is amended to depend from claim 16 instead of the canceled claim 17.

Response to rejections of claims under 35 U.S.C. § 102(b).

Claims 1-4 16-18, and 22-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Szepesi. Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union*

Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). For a *prima facie* case of anticipation, each and every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim. *Lindemenn Maschinenfabrik GmbH vs. American Hoist and Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

With regards to claims 1, 16, 22, and 23, claims 1, 16, and 22 are amended with the limitation from claim 23 of "...said switch in series combination with said high-capacity capacitor and said series combination of said switch and said high-capacity capacitor being coupled in parallel with said battery..." Claim 1. See also claims 16, 22, and 23. The amendment is further well supported by the specification and adds no new material. Claim 23, and Fig. 2, refs. 73 and 74. Thus claims 1, 16, 22, and 23 claim a switch and a high-capacity capacitor connected in series, the switch and the high-capacity capacitor combination in parallel with a battery. Claims 1, 16, 22, and 23. The limitation allows the controller to selectively connect the high-capacity capacitor in parallel with the battery. Claim 1. See also claims 16, 22, and 23.

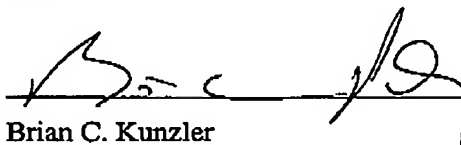
In contrast, Szepesi teaches a capacitor (Fig. 5B, ref. C1) and battery (Fig. 6A, ref. 14) in parallel, with the capacitor and battery combination in series with the switch (Fig. 5B, ref. 10). Szepesi, Figs. 5B and 6A. The configuration is well known to those skilled in the art for filtering a direct current power source. Szepesi does not disclose a switch and a high-capacity capacitor connected in series, the switch and the high-capacity capacitor combination in parallel with a battery. Nor does the switch and capacitor combination taught by Szepesi allow the capacitor to

be selectively connected in parallel with the battery as claimed by the embodiment of the present invention. Therefore, because Szepesi does not disclose each element claimed by the claims 1, 16, 22, and 23, Applicant asserts that claims 1, 16, 22, and 23 are allowable.

As a result of the presented remarks, Applicant asserts that independent claims 1, 16, 22, and 23 are in condition for prompt allowance. Applicant has not specifically traversed the rejections of dependent claims 2-4, 18, and 24-26 under 35 U.S.C. §102(b), but believe those claims to be allowable for depending from allowable claims. See, *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Should additional information be required regarding the traversal of the rejections of the dependent claims enumerated above, Examiner is respectfully asked to notify Applicant of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,



Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: November 22, 2005
8 East Broadway
Suite 600
Salt Lake City, UT 84101
Telephone (801) 994-4646
Fax (801) 322-1054